

Appl. No.: 09/649,981
Amdt. dated: 6/30/2004
Reply to Office Action of March 1, 2004

REMARKS

Upon entry of the instant amendment, claims 1-3 and 5-9 are pending. Claims 1 and 5 have been amended. Claim 4 has been cancelled. Upon entry of the instant amendment, it is respectfully submitted that the application is in condition for allowance.

CLAIM REJECTIONS – 35 U.S.C. § 102

Claims 1-9 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Hare, et al., U.S. Patent No. 6,084,638. It is respectfully submitted that in order for there to be anticipation, each and every one of the elements of the claims must be found in a single reference. It is respectfully submitted that the claims as amended recite elements clearly not disclosed or suggested by the Hare, et al. patent. For example, the claims now recite a remote device which includes a display for displaying digital content and an interface for enabling a user to select digital audio content based on the display. The system disclosed in the Hare, et al. patent simply does not disclose such a remote device. As shown in FIG. 1, the user interface device is simply a mouse or a joystick. The user must be at least in visual communication with a television set in order to be able to select content. The system indicates of the present invention, on the other hand, obviates the need for the user to be in visual contact with any other devices. For all of the above reasons, the examiner is respectfully requested to reconsider and withdraw the above rejections.

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Respectfully submitted,

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